

1882-056
Lee Co.

Chancery Causes: A. J. Shepherd vs. D. J. Gilbert & wife &c

Spencer

CA-Debt
T-Property

To The Honorable John A. Kelly Judge
of the Circuit Court of Lee County Va
Your orator, A. J. Shepherd, humbly
complaining respectfully represents that
on the day of August 1879, Barbara
Gilbert and D. J. Gilbert executed
their joint and several writing oblig-
atory to one E. B. Spencer for the sum
of fifty dollars due and payable
by the first day of January 1880, and
waived the benefit of their homestead ex-
emptions as to said debt. This said
bond was by a writing endorsed thereon
on the 18th day of May 1881 assigned for
value by said E. B. Spencer, to your
orator who is now the legal and equitable
owner thereof. Said bond will be found
herewith filed marked "A" and is prayed
to be considered with the endorsement thereon
as a part of this bill.

Your orator alleges that said bond
was executed by said Gilberts as aforesaid
for a small piece of land about one acre
situated in this county and properly de-
scribed by a copy of a deed made
and executed by said E. B. Spencer & wife
to Barbara Gilbert who is a married woman
and the wife D. J. Gilbert, a copy of which

said deed will also be found herewith
filed marked "B." By which it will be
seen a lien was retained for the unpaid
purchase money, being the bond heretofore re-
ferred to as exhibit "A."

The object of this bill therefore is to have
a decree rendered enforcing said lien
and setting said bond for the payment of
said bond now due your orator and
wholly unpaid and should the same prove
insufficient or unavailing then that your
orator have a decree over against E.
B. Spencer, upon the failure of said
land or the said Gilbert, paying the same.

The prayer of your orator therefore is
that D. J. Gilbert and Barbara Gilbert his
wife, and E. B. Spencer be made parties
defendants to this bill and answer its
allegation on oath and upon a hearing a
decree be rendered directing a sale of
said land or so much thereof as may
be necessary to pay the same, and should
the same fail then that a decree be
rendered against said E. B. Spencer for
the same or the residue thereof. And
for all other further or better relief
may your orator pray.

A. L. Oudemere
for Plff -

10

6 4.97
3 1.50

A. L. Shepherd

vs { Bice Chy

D. L. Gilbert vs,

Exhibits A. & B.

1882. Jan. Bills filed.

" Feby. Sp. Ex. & D. N.

" Mr. C. N. Confd and
set for hearing by Jff.

1882. March Decree final

A. J. Shepherd

Deft

vs.

In Chancery.

D. J. Gilbert et al

Plts

This cause coming on this day to
be heard ~~is~~ dismissed by the Plaintiff
and leave is granted him to withdraw
the note and everow due filed with his
bill

Shepherd

vs Order of dis
missal

Gilbert et al

Entol Page 250.

J. A. Hyatt
clerk

Enter This decree

J. A. K.

April 4th 1882

The Commonwealth of Virginia,

To the Sheriff of Lee County - - - Greeting :

We Command you to Summon

*C. J. Gilbert & Barbara
Gilbert his wife and E. B. Spencer*

To appear at the Clerk's office of the Circuit Court of Lee, at the Court-House, on the first Monday in
February next, being rule day to answer a bill in Chancery, exhibited in our said Court against

them

by

A. J. Shepherd

And have then there this writ. Witness JOHN A. G. HYATT Clerk of our said court at the Court-House

this *3rd* day of *January* 188*3*; in the *106* year of the Commonwealth.

J. A. Hyatt

CLERK.

4.51
 36
 10

 4.97
~~1.50~~
 3.47
 1.50

 4.97
 1.50

 6.47
 10.00

 16.47

(P)
 A. J. Shepherd
 vs 3 Spa in Choy
 D. J. Gilbert et al

To February Rules. 1882

Executed by deliver-
 ing copies to D. J. Gil-
 bert & Barbara, Gilbert
 his wife and E. B.
 Spencer, on 4th day
 of February 1882.

The S. & G. S. Co